

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

ORDER NO. 9

MIRENA IUS LEVONORGESTREL-RELATED
PRODUCTS LIABILITY LITIGATION (NO. II)
This Document Relates To All Actions

17-MD-2767 (PAE)
17-MC-2767 (PAE)

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**ORDER REGARDING, *INTER ALIA*,
GENERAL CAUSATION DISCOVERY AND BRIEFING SCHEDULE**

PAUL A. ENGELMAYER, District Judge, and JAMES L. COTT, Magistrate Judge:

For the reasons placed on the record at yesterday's pretrial conference, the Court ordered the following:

1. The Court ruled on and resolved the outstanding discovery disputes, identified in the parties' joint letter of June 30, 2017. *See* Dkt. 30.
2. The Court set the following schedule for discovery, expert reports, and briefing on the issue of general causation and on the parties' anticipated *Daubert* motions as to evidence relating to general causation:
 - a. December 8, 2017: Deadline for fact discovery relating to general causation.
 - b. December 28, 2017: Deadline for plaintiffs' expert reports and for scheduling the dates and locations of the depositions of plaintiffs' experts.
 - c. January 18, 2018: Deadline for defendants' expert reports and for scheduling the dates and locations of the depositions of defendant's experts.
 - d. February 2, 2018: Deadline for depositions of plaintiffs' experts.
 - e. February 16, 2018: Deadline for depositions of defendants' experts.

- f. February 23, 2018: Deadline for motions and opening memoranda of law to exclude expert evidence under *Daubert*.
- g. March 9, 2018: Deadline for responses to *Daubert* motions.
- h. March 23, 2018: Deadline for reply briefs in support of *Daubert* motions.

3. The Court directed counsel to provide it with agreed-upon orders relating to service, to discovery protocols, to the electronic completion and submission of plaintiffs' fact sheets, and to defendants' fact sheets.

4. The Court directed that document discovery of defendants on generic discovery issues—other than relating to general causation—be complete by January 31, 2018. A schedule for deposition discovery of defendants' witnesses on such issues will be set, as warranted, following resolution of the anticipated *Daubert* motions.

5. The Court directed that detailed fact sheets of existing plaintiffs will be due 60 days after August 7, 2017, *i.e.*, October 6, 2017. Detailed fact sheets of plaintiffs who file suit in this case on or before August 7, 2017 will also be due on October 6, 2017. Detailed fact sheets for plaintiffs who file suit in this case after August 7, 2017 will be due 45 days after the date of filing.

6. The Court directed that the selection of bellwether plaintiffs will be made, as warranted, after resolution of the *Daubert* hearing, with the process to be used for selecting such plaintiffs to be determined at a later point.

SO ORDERED.

Dated: July 28, 2017
New York, New York

Paul A. Engelmayer

PAUL A. ENGELMAYER
UNITED STATES DISTRICT JUDGE

James L. Cott

JAMES L. COTT
UNITED STATES MAGISTRATE JUDGE